

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Reverend Franklin C. Reaves, Ph.D., )  
)  
Plaintiff, )  
)  
vs. )  
)  
Sherry R. Rhodes, et. al, )  
)  
Defendant(s). )  
\_\_\_\_\_ )

Civil Action No.: 4:09-820-TLW-TER

**ORDER**

Plaintiff, Reverend Rranklin C. Reaves, Ph.D. (“plaintiff”), filed this civil action, *pro se*, on March 31, 2009. (Doc. #1). The plaintiff filed an amended complaint on October 6, 2009. (Doc. #23).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers to whom this case had previously been assigned. (Doc. #32). In the Report, the Magistrate Judge recommends that the District Court dismiss defendants Sherry R. Rhodes, Judge Jerry Vinson, Judge William Young, Marion County Jail, Marion County Sheriff Department, South Carolina Department of Social Services, Mayor Luvenia Wright, Mayor Bobby Gerald, and C. Smith. (Doc. #32). The plaintiff filed objections to the report. (Doc. #34). In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual

or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court **ACCEPTS** the Report. (Doc. #32). For the reasons articulated by the Magistrate Judge, defendants Sherry R. Rhodes, Judge Jerry Vinson, Judge William Young, Marion County Jail, Marion County Sheriff Department, South Carolina Department of Social Services, Mayor Luvenia Wright, Mayor Bobby Gerald, and C. Smith are hereby **DISMISSED** from this action without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

February 12, 2010  
Florence, South Carolina